

**SEVENTIETH DAY**  
(Tuesday, May 8, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Bracklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Dr. William C. Howland, University Christian Church, Austin, Texas, offered the invocation as follows:

O God thou who art our help at all times in all ways . . . we pause at the beginning of this session this day to ask for a special sense of your presence. Cause us to understand that your will can only be fulfilled as we make it our will . . . your purposes only be achieved as we make them our purposes . . . your mercy and compassion only be expressed as we express them. So enable us to be sensitive to your presence . . . open to your truth . . . receptive to your concerns that in all of our affairs, we may be instruments of your love, justice and mercy among men. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**HOUSE BILL ON FIRST READING**

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 1638, To Committee on Intergovernmental Relations.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 8, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to H.B. 139 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Caldwell, Chairman; Parker of Denton, Menefee, Parker of Jefferson, and Rosson.

The House refused to concur in Senate amendments to H.B. 340 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Jones of Harris, Chairman; Cooke, Nowlin, Powers, and Washington.

The House has concurred in Senate amendments to H.B. 417 by vote of 109 ayes, 23 noes.

The House has granted the request of the Senate for the appointment of a

Conference Committee on S.B. 714. House Conferees: Cavness, Chairman, Hollowell, Vale, Williams, and Prensall.

Respectfully submitted,  
**DOROTHY HALLMAN**  
 Chief Clerk, House of Representatives

### REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following reports for the Committee on Finance:

C.S.S.B. 512 (Read first time)  
 S.B. 924

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 943  
 C.S.S.B. 132 (Read first time)  
 H.B. 59

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 205 (Amended)  
 C.S.S.B. 820 (Read first time)  
 S.B. 117  
 C.S.S.B. 462 (Read first time)  
 C.S.H.B. 433 (Read first time)  
 C.S.S.B. 495 (Read first time)  
 S.B. 920  
 S.B. 905  
 H.B. 549

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

C.S.S.B. 529 (Read first time)  
 C.S.S.B. 536 (Read first time)  
 C.S.S.B. 639 (Read first time)  
 S.B. 308 (Amended)  
 S.B. 522  
 S.B. 852 (Amended)  
 S.B. 874  
 S.B. 53 (Amended)  
 H.B. 167 (Amended)  
 C.S.H.B. 69 (Read first time)  
 H.B. 990  
 H.B. 892  
 H.B. 758  
 H.B. 135  
 H.B. 894  
 H.B. 913  
 H.B. 1638

### SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Brooks:

S.B. 972, A bill to be entitled An Act providing for service of process on agents of a residential landlord under certain circumstances; relating to the willful interruption of utility services by a residential landlord; relating to the willful exclusion of a tenant by a residential landlord; relating to residential landlord liens; repealing all laws in conflict and specifically Article 5238a; declaring an effective date; and providing a savings clause.

To Committee on Human Resources.

By Senator Traeger:

S.B. 973, A bill to be entitled An Act amending the Dental Health Service Corporation Act to permit additional methods of providing group dental health care by adding a new sub-section to Article 1396-2.01 of Vernon's Texas Civil Statutes, as amended; adding exceptions to The Dental Practice Act; providing for severance, repealing clause and emergency clauses.

To Committee on State Affairs.

### SENATE RESOLUTION 722

Senator Ogg offered the following resolution:

S.R. 722, Requesting the Governor to call for the creation of an Energy Crisis Council.

OGG  
SHERMAN

The resolution was read and was adopted.

### SENATE CONCURRENT RESOLUTION 99

Senator Wallace offered the following resolution:

S.C.R. 99, Recalling S.B. 642 from Governor.

On motion of Senator Wallace and by unanimous consent, the resolution was considered immediately and was adopted.

### SENATE RESOLUTION 644

Senator Ogg offered the following resolution:

S.R. 644, Providing that the Energy Crisis Council of Texas study the vehicle fuel priorities.

On motion of Senator Ogg and by unanimous consent, the resolution was considered immediately and was adopted.

### BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 268

### HOUSE BILL 1230 RE-REFERRED

On motion of Senator Brooks and by unanimous consent, H.B. 1230 was withdrawn from the Committee on State Affairs and re-referred to the Committee

on Intergovernmental Relations.

### MESSAGE FROM GOVERNOR

The following Message from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas  
May 8, 1973

### TO THE MEMBERS OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

Pursuant to the provisions of Section 5, Article III of the Constitution of the State of Texas, I herewith submit as an emergency matter the following:

A bill to provide emergency funding for disadvantaged school districts and to establish machinery for developing a plan for the revision of public school finance.

Major revision of the methods of financing the State Foundation Program for public education is a matter of urgent concern to us all. As I said to the Edgewood School delegation last week:

"The Supreme Court decision leaves the question of public school financing in the hands of the law makers rather than the courts. This is a challenge that the people of Texas should gladly accept.

"I have said on many occasions that I believe that every child should have the opportunity of a quality education regardless of where he lives or the economic status of his community.

"In fact, the Supreme Court, in voicing its opinion in the Rodriguez case stated, 'The ultimate solution must come from the law makers and from the Democratic pressures of those who elect them.'

"It is obvious that inequities do exist. They were not planned, they were not intended. Our present system of public school financing was enacted some 24 years ago, to provide a minimum foundation program for each child in the state. Today we face the fact that our system of public school financing must undergo new changes."

At this late hour in the legislative session, I am concerned that adjournment will leave these questions no closer to a solution, and that the 64th Legislature will have to face the same problems over again without any better basis for solving them.

Therefore, I urge both the Senate and House of Representatives to consider the need for taking emergency steps towards a solution to these problems. I hereby declare an emergency and submit the following legislation for your consideration:

To provide one year of emergency funds for an estimated 112 of our most disadvantaged school districts; to establish the existing State Tax Board as the agency for systematically gathering property valuation data, replacing the legislative property tax committee; to place the responsibility in the Office of the Governor to develop plans for a more equitable means of utilizing the resources of the State in order to educate our children.

In all candor, I must say that these measures will not solve all the problems highlighted by the Rodriguez case or by the remaining several pending court cases placing our current financing of public education in question. However, this legislative measure will give emergency aid to the schools facing the worst financial problems. The permanent solution will require an accurate data base of the value of taxable resources in every school district in this state. This accurate inventory of resources will require many months to develop and will require the concerted efforts of many State Agencies.

My recommendation is to place over-all responsibility for this effort in the State Tax Board which is composed of the Secretary of State, the Treasurer

and the Comptroller. Once this data is complete, I would recommend placing the responsibility in the Office of the Governor for altering our entire educational funding system so that state funds will be allocated to every school district on the basis of its ability to fund its own program. This will be a far-reaching change in the system of public educational finance in Texas. It cannot be done overnight, but it can, it must, it will be done.

In the meantime, this legislation requests \$39 million in emergency aid to the school districts facing the most severe financial problems today.

Therefore, I urge both the Senate and the House of Representatives to consider the need for taking emergency steps toward a solution to these problems. I am grateful to the Lt. Governor, the Speaker and the Chairman of both the House and Senate Education Committees for their assistance in helping me draft this legislation, and for their pledge to achieve the goal of fair and equitable education in Texas.

Let me repeat: The time is short and our mission is urgent. I believe we have a responsibility to enact legislation this session and I ask your careful consideration for these proposals.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

#### **SENATE BILL ON FIRST READING**

The following bill submitted by the Governor as an emergency was introduced, read first time and referred to the Committee indicated:

By Senators Mauzy, Wolff, Kothmann and Traeger:

S.B. 971, A bill to be entitled An Act relating to revising the method of financing public school education; providing for the collection of data by the State Tax Board to determine school districts' ability to support public education; transferring certain powers and duties to the board to enable it to make its determinations; providing for the submission of plans for the revision of public school finance; providing for an emergency grant program to certain school districts until a revised system of financing public schools can be adopted; amending Article 7100, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Education.

#### **COMMITTEE SUBSTITUTE SENATE BILL 30 ON SECOND READING**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.B. 30, A bill to be entitled An Act creating the Texas Judicial Council for the continuous study of and report upon the judicial system of the State, for gathering judicial statistics and other data, and for devising methods for the improvement of judicial administration and procedure; prescribing the membership of such council; prescribing its duties and powers; providing for the payment of the necessary expenses of the Council and its employees and members, including certain clerical expenses of the Council, its officers, and committees; repealing Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 2328a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

### COMMITTEE SUBSTITUTE SENATE BILL 30 ON THIRD READING

Senator Herring moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

### SENATE BILL 633 WITH HOUSE AMENDMENTS

Senator Aikin called S.B. 633 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### COMMITTEE AMENDMENT NO. 1

Amend S.B. 633, as Engrossed, on page 2, line 20, Section 1 by inserting the words "and firemen" after the word "policemen";

and by adding the words "or applicable toward a degree in fire science," after the word "enforcement" on page 2, line 24, Section 8.

and by adding the words "or, in the case of fire science degree courses, approved or certified by the Texas Commission on Fire Protection, Personnel Standards, and Education" after the word "equivalent" on page 3, line 5, Section 1.

#### COMMITTEE AMENDMENT NO. 2

Amend enacting clause of S.B. 633 on line 2, page 1 by adding the words "and firemen" after the word "policemen".

The House amendments were read.

Senator Aikin moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

**HOUSE BILL 637 ON SECOND READING**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 637, A bill to be entitled An Act relating to authorizing the Parks and Wildlife Commission to commission as peace officers certain qualified persons to enforce game and fish laws; and declaring an emergency.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H.B. 637 by striking out all above the enacting clause and inserting in lieu thereof the following:

**"A BILL****TO BE ENTITLED**

An Act authorizing the Executive Director of the Parks and Wildlife Department to commission deputy game wardens to enforce game and fish laws; and declaring an emergency."

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H.B. 637 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The Executive Director of the Parks and Wildlife Department may commission deputy game wardens to serve at the will of the Executive Director. The Parks and Wildlife Commission is authorized to promulgate all necessary rules and regulations to govern the qualifications, conduct and duties of such wardens when commissioned.

"Sec. 2. A person commissioned under the provisions of Section 1 of this Act is authorized to enforce the laws of this state relating to hunting and fishing, and to the preservation and conservation of wildlife and marine animals. The Parks and Wildlife Department shall prescribe the geographical area in which a deputy game warden shall operate.

"Sec. 3. Prior to entry upon duty and simultaneously with his appointment, a deputy game warden shall file an oath and bond in the amount of Two Thousand Dollars (\$2,000) payable to the Parks and Wildlife Department.

"Sec. 4. Such deputy game wardens when commissioned, shall serve without compensation from the State of Texas, but the Parks and Wildlife Department is authorized to expend whatever funds necessary to support and maintain this responsibility.

"Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was

amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

### **HOUSE BILL 637 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 637 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

### **COMMITTEE SUBSTITUTE SENATE BILL 276 ON SECOND READING**

Senator Longoria asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 276 for consideration at this time.

There was objection.

Senator Longoria then moved to suspend the regular order of business and take up C.S.S.B. 276 for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Herring, Moore and Snelson.

Absent: Blanchard.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 276, A bill to be entitled An Act relating to the creation of The University of South Texas System; to replace the nine-member Board of Regents of Pan American University and the nine-member Board of Directors of Texas A and I University with a new nine-member board for The University of South Texas; to change the name of Pan American University at Edinburg, Texas A and I University at Kingsville, Texas A and I University at Laredo, Texas A and I University at Corpus Christi, Texas A and I University Citrus and



Vegetable Training Center at Weslaco; creating an extension center at Brownsville; and declaring an emergency.

The bill was read second time.

Senator McKinnon offered the following amendment to the bill:

Amend C.S.S.B. 276, Section 5, by adding at the end of said section the following:

"The Texas A and I University Central Administrative Structure headed by a chancellor shall be continued in format with the name changed to The University of South Texas System and the supervisory and administrative responsibilities of this staff shall be broadened to include other institutions in The University of South Texas System. The new Board of Regents shall have the power to approve and adopt this central administrative system or alter same as it deems proper."

The amendment was read and was adopted.

#### RECORD OF VOTES

Senators Moore, Clower, Herring, Snelson, Brooks, Gammage and Adams, asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator McKinnon offered the following amendment to the bill:

Amend C.S.S.B. 276, by creating a new section, Section 13, as follows and renumbering the subsequent sections accordingly:

"Section 13. All funds heretofore appropriated to any component unit or institution which will comprise or become a part of The University of South Texas System is hereby appropriated to The University of South Texas System, under the same authority, restrictions and limitations as are now provided by law save and except as changed by this Act. The current administration of each of the component institutions shall have and retain authority to obligate and commit the appropriations to such institutions for the fiscal year 1973-74, which commitments and obligations shall be binding upon The University of South Texas System."

The amendment was read and was adopted.

#### RECORD OF VOTES

Senators Clower, Herring, Moore, Brooks, Gammage, Snelson and Adams asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator McKinnon offered the following amendment to the bill:

Amend C.S.S.B. 276, by adding a new section 1 and renumbering all subsequent sections accordingly, with the new section 1 reading as follows:

"Section 1. There is hereby created a system of higher education to be known as The University of South Texas System, which system shall be composed of component institutions as follows:

- (1) The University of South Texas at Edinburg;
- (2) The University of South Texas at Kingsville;
- (3) The University of South Texas at Corpus Christi;
- (4) The University of South Texas at Laredo;

- (5) The University of South Texas Citrus and Agricultural Center at Weslaco; and  
 (6) The University of South Texas Extension Center at Brownsville."

The amendment was read and was adopted.

#### **RECORD OF VOTES**

Senators Moore, Herring and Adams asked to be recorded as voting "Nay" on the adoption of the amendment.

The bill as amended was passed to engrossment.

#### **RECORD OF VOTES**

Senators Mauzy, Moore, Herring, Clower and Adams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 276 ON THIRD READING**

Senator Longoria moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 276 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Herring, Mauzy, Moore and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Adams, Blanchard, Clower, Herring, Mauzy, Moore and Snelson.

#### **COMMITTEE SUBSTITUTE SENATE BILL 777 ON SECOND READING**

Senator Gammage asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 777 for consideration at this time.

There was objection.

Senator Gammage then moved to suspend the regular order of business and take up C.S.S.B. 777 for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Patman.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 777, A bill to be entitled An Act to amend Chapter 21 of the Insurance Code of Texas (Acts 1951, 52nd Legislature, Chapter 491, page 868), as the same has been heretofore amended, by adding thereto a new article to be identified as Article 21.28-D and to be known and cited as the Life, Accident, Health and Hospital Service Insurance Guaranty Association Act; declaring purpose and scope; providing for liberal construction; defining terms; creating the Life, Accident, Health and Hospital Service Insurance Guaranty Association; providing for a board of directors; prescribing powers and duties of the Association; providing for assessments; providing a plan of operation; prescribing the powers and duties of the Commissioner; authorizing procedures for the prevention of impairments; requiring certain procedures in particular situations; providing for examination by and annual reports to the Commissioner; exempting the Association from certain taxes; providing for immunity; specifying certain judicial procedures; providing for tax write-offs of certificates of contribution; repealing all laws or parts of laws in conflict to the extent of such conflict; providing for severability; and declaring an emergency.

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend the Committee Substitute for S.B. 777 by amending paragraph (4) of Section 13 thereof, to read and provide as follows:

"(4) A member insurer may place in its policies of insurance, annuity contracts and any advertising thereof, a statement to the effect that it is a member of the Life, Accident, Health and Hospital Service Insurance Guaranty Association. The form and content of such statement must be approved by the Commissioner of Insurance before its use and any use of any such statement prior to its approval by the Commissioner of Insurance shall constitute unfair competition and unfair practices under Article 21.21 of the Texas Insurance Code and shall be subject to the provisions thereof."

The amendment was read and failed of adoption by the following vote: Yeas 9, Nays 22.

Yeas: Adams, Brooks, Clower, Herring, Meier, Moore, Patman, Santiesteban and Snelson.

Nays: Aikin, Andujar, Blanchard, Braecklein, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Mengden, Ogg, Schwartz, Sherman, Traeger, Wallace and Wolff.

The bill was passed to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 777 ON THIRD READING

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B.

777 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Braecklein, Harris and Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Harris and Patman.

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 880	S.B. 317
S.B. 845	S.B. 303
S.B. 760	S.B. 296
S.B. 682	S.B. 273
S.B. 654	S.B. 271
S.B. 618	S.B. 266
S.B. 614	S.B. 255
S.B. 608	S.B. 196
S.B. 513	S.B. 103
S.B. 489	S.B. 94
S.B. 411	S.B. 71
S.B. 367	S.C.R. 95
S.B. 361	S.C.R. 42
S.B. 336	S.B. 215

#### **SENATE JOINT RESOLUTION 37 ON SECOND READING**

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S.J.R. 37 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S.J.R. 37 for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Herring, Jones, McKnight, Mengden, Moore and Snelson.

The President laid before the Senate on its second reading and passage to engrossment:

S.J.R. 37, Proposing an amendment to Article VI, Section 2, of the Texas Constitution to revise provisions on age and residence requirements for voting in conformity with mandates of the Constitution of the United States; to eliminate the requirement for annual registration; and to add a requirement for renewal of registration at intervals not exceeding four years.

The resolution was read second time and was passed to engrossment.

### RECORD OF VOTES

Senators Moore, Creighton, Jones, McKnight, Harris and Blanchard asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

### COMMITTEE SUBSTITUTE SENATE BILL 765 ON SECOND READING

Senator Ogg asked unanimous consent, to suspend the regular order of business and take up C.S.S.B. 765 for consideration at this time.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up C.S.S.B. 765 for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Mauzy, Moore and Schwartz.

Absent: Blanchard.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 765, A bill to be entitled An Act to be known as the Act for Development of Health Resources of 1973, relating to the promotion of medical care, public health and research, including training and teaching by cities, counties, hospital districts, and public health authorities of the State of Texas; authorizing such entities to acquire certain properties, to issue revenue bonds, and to lease, sell, or convey said properties, for the promotion of public health and research and to enter into other contractual relationships (including operating contracts) with non-profit corporations relating thereto; providing the procedures to be followed and making certain findings with respect to the need for such facilities; providing for severability and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 765, by striking Sec. 2(h) and substituting the following:

"(h) 'Medical project' means any real, personal, or mixed property, or any interest therein, including, without limitation, any land, buildings, equipment, furniture, facilities (including such support facilities as office buildings, parking lots and buildings, and related equipment), and improvements, (one or more) the financing, refinancing, acquiring, constructing, enlarging, remodeling, renovating, improving furnishing, or equipping of which is found by the governing body to be required for medical care, health, research, training, and teaching, any one or all, within this state, irrespective of whether in existence at the time of such finding or constructed after the making of such finding by the governing body except that a 'medical project' shall not include any nursing home licensed as such, or which would be required to be licensed as such, by the Texas State Department of Public Health. 'Medical project' also means a structure or structures suitable for use as a health facility, laboratory, dental laboratory, laundry, nurses' or interns' residence, or other multi-unit housing facility for staff, employees, patients, or relatives of patients admitted for treatment or care in a health facility; physicians' facility; administrative building, research facility; maintenance, storage, or utility facility; and any other structure or facility related to any of the foregoing, or useful for the operation of a health facility, including, without limitation, parking and other facilities or other supporting service structures essential or convenient for the orderly operation of such health facility. 'Medical project' shall also include the site preparation, landscaping, machinery, equipment and furnishings, and other similar items necessary or convenient for the operation of a particular facility or structure as a health care facility. 'Medical project' may include any combination of one or more of the foregoing undertaken jointly by an operator with one or more other operators."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

#### RECORD OF VOTES

Senators Moore, Schwartz, McKinnon and Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 765 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 765 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Jones, Moore and Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 765 by adding a new Section to read as follows:

"Nothing in this Act shall permit the applicability of the doctrine of 'Governmental' immunity or 'charitable' immunity to facilities provided for by the Acts."

CLOWER  
SCHWARTZ

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Jones, McKinnon, Moore and Schwartz.

#### SENATE BILL 264 WITH HOUSE AMENDMENT

Senator Moore called S.B. 264 from the President's table for consideration of the House amendment to the bill:

The President laid the bill and the House amendment before the Senate.

#### COMMITTEE AMENDMENT NO. 1

Amend S.B. 264, Section 1, Article 16.01, Section (c) by striking all of Section (c) and substituting in lieu thereof the following, to-wit:

"(c) Each Farm Mutual Insurance Company shall include the words 'Farm Mutual' or 'Farmers Mutual' in its name and must maintain a majority of its total insurance in force on rural property at all times at the time of writing thereof, and operate on a regular and special assessment basis and use not more than twenty-five percent (25%) of their gross income for expenses unless otherwise approved by the Commissioner of Insurance. 'Rural property' shall mean any property located outside an urban area. 'Urban area' as used herein shall mean that land area subject to the taxing authority of any incorporated city or town having a population by the last published federal census figures of more than 2,500 inhabitants. Property located in what is defined as rural property by the preceding sentence at the time it is first insured shall thereafter continue to be classified as rural property so long as insurance thereon continues by policy or policies written by the same farm mutual insurance company without lapse in effective coverage for longer than sixty (60) days."

The House amendment was read.

Senator Moore moved to concur in the House amendment.

Question on the motion to concur, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Blanchard, Clower, Longoria, Mauzy, Ogg, Wallace and Wolff.

### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, May 8, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 447, A bill to be entitled An Act relating to regulation of the manufacture, distribution, possession, and use of certain drugs and controlled substances; prescribing penalties; repealing the Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); Chapter 237, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 725c, Vernon's Texas Penal Code); Chapter 300, Acts of the 54th Legislature, 1955, as amended (Article 725d, Vernon's Texas Penal Code); and Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code); and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H.B. 504, To Committee on Administration.  
H.B. 503, To Committee on Administration.  
H.B. 723, To Committee on Administration.  
H.B. 760, To Committee on Administration.  
H.B. 974, To Committee on Intergovernmental Relations.  
H.B. 819, To Committee on Administration.  
H.B. 851, To Committee on Administration.  
H.B. 859, To Committee on Administration.  
H.B. 1635, To Committee on Administration.  
H.B. 1637, To Committee on Administration.  
H.B. 1581, To Committee on Administration.  
H.B. 1301, To Committee on Administration.  
H.B. 1566, To Committee on Administration.  
H.B. 1548, To Committee on Administration.  
H.B. 1571, To Committee on Administration.  
H.B. 1234, To Committee on Administration.  
H.B. 1177, To Committee on Administration.  
H.B. 1567, To Committee on Administration.  
H.B. 1580, To Committee on Administration.  
H.B. 1583, To Committee on Administration.



H.B. 1584, To Committee on Administration.  
H.B. 1185, To Committee on Administration.  
H.B. 1603, To Committee on Administration.  
H.C.R. 169, To Committee on Administration.  
H.B. 1630, To Committee on Administration.  
H.B. 1585, To Committee on Administration.  
H.B. 1594, To Committee on Administration.  
H.B. 1602, To Committee on Administration.  
H.B. 233, To Committee on Intergovernmental Relations.  
H.B. 1192, To Committee on Intergovernmental Relations.  
H.B. 1114, To Committee on Intergovernmental Relations.  
H.B. 1109, To Committee on Intergovernmental Relations.  
H.B. 1111, To Committee on Intergovernmental Relations.  
H.B. 998, To Committee on Intergovernmental Relations.  
H.B. 999, To Committee on Intergovernmental Relations.  
H.B. 808, To Committee on Intergovernmental Relations.  
H.B. 1504, To Committee on Intergovernmental Relations.  
H.B. 961, To Committee on Intergovernmental Relations.  
H.B. 910, To Committee on Intergovernmental Relations.  
H.B. 550, To Committee on Intergovernmental Relations.  
H.B. 1024, To Committee on Intergovernmental Relations.  
H.B. 1183, To Committee on Intergovernmental Relations.  
H.B. 1182, To Committee on Intergovernmental Relations.  
H.B. 1364, To Committee on Intergovernmental Relations.  
H.B. 1467, To Committee on Intergovernmental Relations.  
H.B. 1448, To Committee on Intergovernmental Relations.  
H.B. 1447, To Committee on Intergovernmental Relations.  
H.B. 1519, To Committee on Intergovernmental Relations.  
H.B. 1553, To Committee on State Affairs.  
H.B. 1204, To Committee on State Affairs.  
H.B. 1219, To Committee on State Affairs.  
H.B. 1512, To Committee on State Affairs.  
H.B. 1352, To Committee on State Affairs.  
H.B. 1044, To Committee on State Affairs.  
H.B. 1445, To Committee on State Affairs.  
H.B. 1239, To Committee on State Affairs.  
H.B. 703, To Committee on State Affairs.  
H.B. 676, To Committee on Jurisprudence.  
H.B. 1056, To Committee on Jurisprudence.  
H.B. 976, To Committee on Jurisprudence.  
H.B. 447, To Committee on Jurisprudence.  
H.C.R. 163, To Committee on Administration.  
H.B. 365, To Committee on Education.  
H.B. 367, To Committee on Education.  
H.B. 1118, To Committee on Education.  
H.B. 170, To Committee on Finance.  
H.B. 169, To Committee on Finance.  
H.B. 1611, To Committee on Finance.  
H.C.R. 96, To Committee on Finance.  
H.B. 463, To Committee on Human Resources.  
H.B. 1328, To Committee on Human Resources.  
H.B. 1414, To Committee on Human Resources.  
H.B. 1415, To Committee on Human Resources.  
H.B. 1457, To Committee on Human Resources.  
H.B. 733, To Committee on Human Resources.  
H.B. 887, To Committee on Human Resources.  
H.B. 901, To Committee on Human Resources.  
H.B. 1487, To Committee on Economic Development.  
H.B. 247, To Committee on Economic Development.  
H.B. 255, To Committee on Economic Development.

H.B. 1353, To Committee on Natural Resources.  
H.B. 211, To Committee on Natural Resources.  
H.C.R. 95, To Committee on Natural Resources.  
H.B. 1496, To Committee on Natural Resources.  
H.B. 765, To Committee on Natural Resources.  
H.B. 804, To Committee on Natural Resources.  
H.B. 1619, To Committee on Natural Resources.

**COMMITTEE SUBSTITUTE SENATE BILL 925  
ON THIRD READING**

Senator Moore asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 925 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up C.S.S.B. 925 for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Snelson, Traeger and Wolff.

Nays: Blanchard, Jones, Mauzy, Ogg, Patman, Sherman and Wallace.

The President laid before the Senate on its third reading and final passage:

C.S.S.B. 925, A bill to be entitled An Act to provide a supplemental service retirement compensation benefit for commissioned law enforcement officers; etc.; and declaring an emergency.

The bill was read third time and failed of final passage by the following vote: Yeas 13, Nays 18.

Yeas: Adams, Aikin, Brooks, Creighton, Gammage, Harris, Kothmann, McKnight, Moore, Santiesteban, Schwartz, Snelson and Traeger.

Nays: Andujar, Blanchard, Braecklein, Clower, Harrington, Herring, Hightower, Jones, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Sherman, Wallace and Wolff.

**SENATE BILL 968 RE-REFERRED**

On motion of Senator Aikin and by unanimous consent, S.B. 968 was withdrawn from the Committee on Intergovernmental Relations and re-referred to the Committee on Administration.

**CONFERENCE COMMITTEE ON HOUSE BILL 139**

Senator Aikin called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 139 and moved that the request be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Aikin, Brooks, Creighton, Moore and Schwartz.

#### CONFERENCE COMMITTEE ON HOUSE BILL 340

Senator Gammage called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 340 and moved that the request be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Gammage, Wallace, Moore, Meier and Longoria.

#### NOTICES OF INTENT

The following Notices of Intent were read and filed with the Secretary of the Senate:

Wednesday, May 9, 1973

S.B. 86 - Senator Brooks  
S.B. 164 - Senator Adams  
C.S.S.B. 456 - Senator Jones  
S.B. 506 - Senator Braecklein  
S.B. 558 - Senator Brooks  
S.B. 688 - Senator Adams  
S.B. 729 - Senator Santiesteban  
S.B. 801 - Senator Snelson  
C.S.S.B. 819 - Senator Wolff  
C.S.S.B. 820 - Senator Wolff  
C.S.S.B. 837 - Senator Jones  
C.S.S.B. 847 - Senator Herring  
S.B. 901 - Senator Sherman  
S.B. 902 - Senator Santiesteban  
S.B. 938 - Senator Sherman  
S.J.R. 37 - Senator Harrington  
H.B. 80 - Senator Wallace  
H.B. 81 - Senator Wallace  
H.B. 130 - Senator Sherman  
H.B. 167 - Senator Longoria  
C.S.H.B. 339 - Senator Brooks  
H.B. 370 - Senator Mauzy  
C.S.H.B. 371 - Senator Mauzy  
H.B. 441 - Senator Mauzy  
H.B. 460 - Senator Santiesteban  
H.B. 596 - Senator Snelson  
C.S.H.B. 1087 - Senator Santiesteban

Thursday, May 10, 1973

S.B. 166 - Senator Adams  
C.S.S.B. 789 - Senator Gammage

**WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 719 - By Senator Wolff: Extending congratulations to Mr. Tom E. Turner.

S.R. 720 - By Senator Wolff: Extending welcome to Lamar Elementary School of San Antonio.

S.R. 721 - By Senator Wolff: Extending congratulations to Jo Fred Burt Evans.

S.R. 723 - By Senators Gammage and Schwartz: Extending congratulations to Israel on its 25th Anniversary.

S.R. 724 - By Senator Ogg: Extending welcome to Mrs. Pat Lawson, Mrs. Lavora Arizaga, Maury Lawson and Doug Lawson.

S.R. 725 - By Senator Meier: Extending congratulations to R. H. Jennings.

S.R. 726 - By Senator Schwartz: Extending welcome to Petra Perlman.

S.R. 727 - By Senator Santiesteban: Extending welcome to Mayor Pro Tem of El Paso.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:39 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

May 8, 1973

S.B. 880	S.B. 317
S.B. 845	S.B. 303
S.B. 760	S.B. 296
S.B. 682	S.B. 273
S.B. 654	S.B. 271
S.B. 618	S.B. 266
S.B. 614	S.B. 255
S.B. 608	S.B. 196
S.B. 513	S.B. 103
S.B. 489	S.B. 94
S.B. 411	S.B. 71
S.B. 367	S.C.R. 42
S.B. 361	S.B. 215
S.B. 336	S.C.R. 95

**SEVENTY-FIRST DAY**  
(Wednesday, May 9, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

Dr. William C. Howland, University Christian Church, Austin, Texas, offered the invocation as follows:

O Father, grant that for us this moment of prayer may be more than a mere ritual. Allow this to be one of those rare moments of quiet during this day in which we pause to reflect upon who we are and what we have been created to do and become. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**REPORTS OF STANDING COMMITTEES**

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

H.B. 1135 (Amended)  
H.B. 1558  
H.B. 809  
H.B. 1231  
H.B. 1232  
H.B. 1158 (Amended)  
C.S.H.B. 1481 (Read first time)  
S.C.R. 90  
C.S.S.B. 726 (Read first time)  
S.B. 915  
S.B. 962  
C.S.S.B. 942 (Read first time)  
S.B. 381

Senator Mauzy submitted the following reports for the Committee on Education:

S.B. 929 (Amended)  
S.B. 965  
S.B. 956

Nominations of Judson W. Robinson to Board of Regents of Texas Southern University; Mrs. George P. Cullum to Board of Regents of Stephen F. Austin University; Ernest Powers to Board of Regents of Stephen F. Austin University; Frank Douthitt, to Board of Regents of Midwestern University.

Senator Herring submitted the following reports for the Committee on Jurisprudence: